

MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, N.Y. 10007

MEGHAN A. CAVALIERI
Assistant Corporation Counsel
Tel.: (212) 788-6405
Fax: (212) 788-9776

December 31, 2007

BY HAND

Honorable Judge Robert W. Sweet
United States District Court Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

1/7/08

S. Cardozo
M. Cavalieri
1.4.08

Re: Hughey Jackson v. City of New York, et al., 07 CV 10663 (RWS)(MHD)

Dear Judge Sweet:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and attorney for defendant City of New York. This case has been assigned to Assistant Corporation Counsel Robyn Pullio. Ms. Pullio may be reached directly at (212) 788-1090. I am writing with the consent of plaintiff's counsel, Brett Klein, Esq., to respectfully request a sixty (60) day enlargement of time, from December 31, 2007 until February 29, 2008, within which this office may answer or otherwise respond to the complaint. This is the first request made by this office for an enlargement of time in this action.¹

The complaint alleges, inter alia, that plaintiff were falsely arrested, imprisoned and subjected to excessive force. In addition to the City of New York, plaintiff also purports to name Police Officer "John" Guerra as a defendant. Before this office can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case. The enlargement of time will afford us the opportunity to investigate the matter.

Further, assuming plaintiff effects timely service on the individual defendant, the extension should all time for this office to determine, pursuant to Section 50-k of the New York General Municipal Law, based on a review of the case, whether we may represent the individually named defendant. See Mercurio v. The City of New York et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. The City of New York et al., 64 N.Y.2d 800, 486 N.Y.S.


¹ Without appearing on behalf of Police Officer "John" Guerra, it is respectfully requested that, if he is served prior to February 29, 2008, the same extension be granted to him in order to ensure that his defenses are not jeopardized while representational issues are being resolved.

2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

In view of the foregoing, it is respectfully requested that the Court grant the within request extending the City's time to answer or otherwise respond to the complaint until February 29, 2008.

Thank you for your consideration in this regard.

Respectfully submitted,

- 

Meghan A. Cavalieri (MC 6758)
Assistant Corporation Counsel
Special Federal Litigation Division

cc:

BY FAX

Brett Klein, Esq.
Leventhal & Klein, LLP
45 Main Street, Suite 820
Brooklyn, New York 11201
Fax: (718) 222-2889